



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,985	01/29/2004	Joon-seok Koh	P24813	2793
7055	7590	09/13/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EDWARDS, NEWTON O	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/765,985	Applicant(s) KOH ET AL.	
	Examiner N Edwards	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1 "potentially elastic" is indefinite, vague and misleading since the yarn of claim is not elastic. See claims 2-5 form the same problem. According to Example 1, only the woven fabric is elastic.

Claim 1, lines 2 and 7 "potentially crimped" is indefinite, vague and misleading since the yarn of claim 1 is not crimped.

Claim 1, line 3 "a total fineness of 20 to 300 deniers" is indefinite and misleading since the interlaced textured yarn of claim 1 does not posses a potentially crimped yarn, as claimed in the final product (interlaced yarn). See Examples 1, 4, 6 and 8.

Claim 1, line 5 "the total fines of 30 to 300 deniers" 13 indefinite and misleading since the interlaced textured (final product) of claim 1 does not posses a ultra-fine yarn having a total fineness of 30 to 300 deniers in the final product (interlaced yarn). See Examples 1, 4, 6 and 8.

For the record, the invention defined by claim 1 is a interlaced textured yarn comprising a yarn with mono-filament fineness of one to six deniers and an ultra-fine yarn with the mono-filament fineness of 0.1 to 0.5 denier. The total fineness of the (unplied yarns) so called potentially crimp yarn and the ultra fine yarn are not present in the Final Product of the interlaced textured yarn. See Examples 1-8 of the spec.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bennie (US 5,691,057).

Bennie teaches an air-jet textured mixed filament yarn or an interlaced polyester yarn comprising fine filaments (yarn 1) having a denier below 1 (0.2 to 1) and fatter filaments (yarn 2) having a filament denier more than 1. See Table 1 DPF Low and DPF High and Examples 1-17. Bennie also teaches the interlaced polyester yarn total fineness (spun denier) is 127 to 239 in Table 1, Table 2, and Tables 3.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyanagi (US 6,689,461).

Koyanagi teaches interlaced yarn (column 12, line 18) comprising composite polyester fibers in a side-by-side arrangement. Koyanagi further teaches at least one component of the two polyester is polytrimethylene terephthalate (PTT) and the other is polyethylene terephthalate (PET) see claim 1 and 9. Koyanagi still further teaches the yarn has latent compatibility (potential crimped yarn) and a yarn elongation from 36 to

Art Unit: 1774

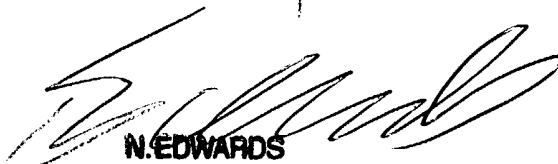
38 in Table 1a. Koyanagi yet still further teaches the filaments yarn have a yarn size from 0.5-20 dtex which when converted is .45 denier to 18 denier. Koyanagi also teach when the yarn is made into a fabric the fabric has a elongation recovery at least 80% or more in Table 5b, Table 4b, and Table 1b etc.

Claims 3 and 4 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed patents disclose the state of the prior art.

Any inquiry concerning this communication should be directed to Primary Examiner Edwards at telephone number (571) 272-1521.

Edward/dh
September 2, 2004



N. EDWARDS
PRIMARY EXAMINER